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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

9087389, LLC, DBA PREPARED)	
HERO)	Civil No: _____
Plaintiff,)	[FILED UNDER SEAL]
vs.)	Judge:
PREPARED GEAR dba)	JURY TRIAL DEMANDED
PREPAREDGEAR.CO, and JOHN)	
DOES 1-10,)	
Defendant.)	

**PLAINTIFF'S VERIFIED COMPLAINT FOR TRADEMARK
INFRINGEMENT, COPYRIGHT INFRINGEMENT, UNFAIR
COMPETITION, AND COUNTERFEITING**

Plaintiff 9087389, LLC, dba Prepared Hero (“Prepared Hero”) complains and alleges as follows against Defendants Prepared Gear dba “PreparedGear.co,” and John Does 1-10 (collectively, “Defendants”).

THE NATURE OF THE ACTION

1. This action is brought by Prepared Hero, a well-known supplier of emergency tools and fire protection equipment. Prepared Hero and its emergency products are trusted by more than 300,000 families.

The screenshot shows the homepage of PreparedHero.com. At the top, a red banner reads "TRUSTED BY 310,000+ FAMILIES". Below it is the "PREPARED HERO" logo with a shield icon. The navigation menu includes "Best Sellers", "Shop", "About Us", "Reviews", and "Blog". To the right are a search bar and a shopping cart icon showing 0 items. The main headline is "Two Best-Sellers In One Fantastic Bundle!". Below it is the tagline "Safe, Easy And Fast Fire Elimination!". A five-star rating with 42 reviews is displayed. A firefighter in yellow gear holds two products: a red "PREPARED HERO FIRE BLANKET" and a blue "HERO FIRE SPRAY". The product title "Emergency Fire Protection Kit" is shown with a "Create maximum protection from sudden fires, in your home or on-the-go, with these two essential items! Bundle includes:" description. A bulleted list shows the included items: "Emergency Fire Blanket" and "Hero Fire Spray". A large red button says "CHOOSE YOUR BUNDLE". Below the button are payment method icons for American Express, PayPal, Google Pay, Visa, and others. A testimonial from "Lacy Sheppard" is shown, reading: "I feel better knowing I have these in my home with my teens now learning to cook." The testimonial has 97 likes.

Prepared Hero®

TRUSTED BY 310,000+ FAMILIES

 **PREPARED HERO**

★ Best Sellers  Shop ▾ About Us Reviews Blog  Search  Cart



Fire Safety Survival Protection New Popular

★★★★★ 310,000+ Families

Safety products that your family can depend on in an emergency.

Shop now and get peace of mind for you and your loved ones.

[Shop All Safety Products](#)


 I love your products and bought a couple of things in the past as Christmas gifts for my adult children. They loved them also.

 Janet K.
New Jersey, USA



Prepared Hero®

2. This action relates to acts of copyright infringement, trademark infringement, unfair competition, and counterfeiting by the Defendants, who operate several a website selling counterfeit products at <https://get.preparedgear.co> (the “Counterfeit Website”). Defendants and John Does 1-10 operate the Counterfeit Website.

3. Defendants’ website copies the real Prepared Hero website, using an identical and/or nearly-identical version of the Prepared Hero trademark logo, displaying photos of nearly identical Prepared Hero products, displaying exact copies of genuine Prepared Hero reviews, including links from the counterfeiter’s website to Prepared Hero’s website, holding itself out as having Prepared Hero’s same address in its contact information, and copying Prepared Hero’s copyrighted images, all without authorization from Prepared Hero.

4. Defendants intentionally use the Counterfeit Website to confuse customers and freeride off of Prepared Hero's goodwill. Prepared Hero brings this action against the Defendants for counterfeiting, copyright infringement, trademark infringement, and unfair competition.

THE PARTIES

5. Prepared Hero is a corporation organized under the laws of Wyoming with a principal place of business at 30 North Gould Street, Suite E, Sheridan, Wyoming 82801.

6. Defendant Prepared Gear is an unknown corporate entity that represents to the public that it is a corporation organized under the laws of Wyoming with a principal place of business at 30 North Gould Street, Suite E, Sheridan, Wyoming 82801. However, the Defendant and its affiliates are counterfeiters. It is unclear where Defendants are located because they hide their identity through their webhost provider. Further, Defendants, as part of their counterfeiting, have included Prepared Hero's address on the Counterfeit Website under Prepared Gear's contact information. Defendants' contact phone number on get.preparedgear.co is affiliated with www.getairmate.com. The website www.getairmate.com is also without contact information other than the same phone number and an email address, listed below. Upon information and belief, Defendants ship their counterfeit products from 755 Minor Drive in Escondido, California, and provide the email address support@preparedgear.co as contact information on the Counterfeit Website and support@getairmate.com as the contact on www.getairmate.com.

JURISDICTION

7. This Court has subject matter jurisdiction under 15 U.S.C. § 1121 (action arising under the Lanham Act); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1338(a) (any Act of Congress relating to patents, trademarks, or copyrights); 28 U.S.C. § 1338(b) (action asserting

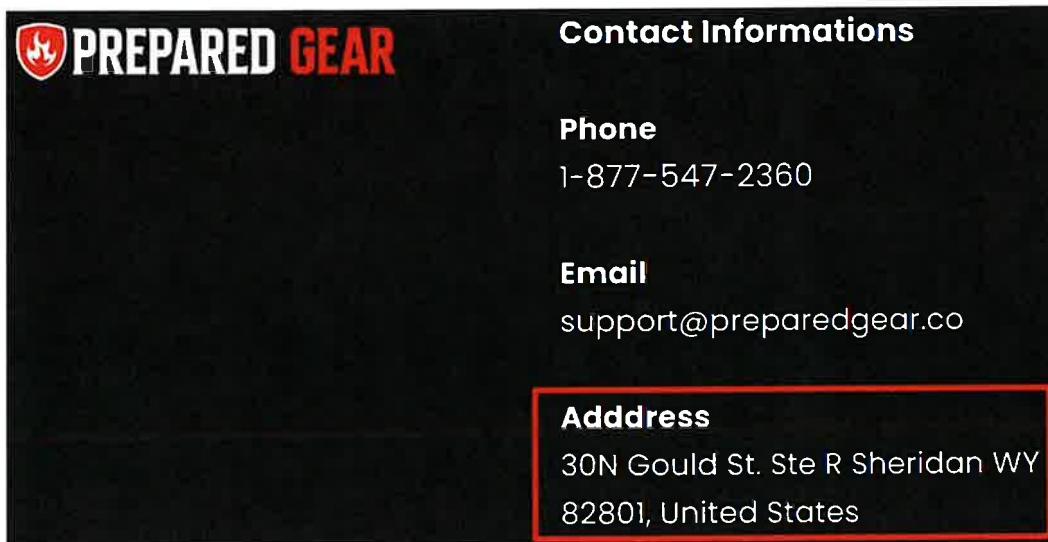
claim of unfair competition joined with a substantial and related claim under the trademark laws); and 28 U.S.C. § 1367 (supplemental jurisdiction).

8. This Court has personal jurisdiction over the Defendants because they have committed acts of trademark infringement and counterfeiting in violation of 15 U.S.C. § 1125 in this Judicial District, targeted Prepared Hero in this Judicial District, hold themselves out to the public as being located in this Judicial District, and have placed infringing products into the stream of commerce with the knowledge or understanding that such products are targeted at the State of Wyoming and this Judicial District. In addition, the acts by Defendants are targeted to cause commercial injury to Prepared Hero in this Judicial District. In addition, upon information and belief, Defendants derive substantial revenue from their sale of infringing products within this Judicial District and in the United States, expect their actions to have consequences within this Judicial District, and derive substantial revenue from interstate and international commerce directed both to and from this Judicial District. The exercise of personal jurisdiction over each of the Defendants is proper under Wyoming's Long Arm Statute, Wyoming Code Ann § 1-5-107.

VENUE

9. Defendants are subject to personal jurisdiction in this Judicial District. Venue is proper in this District under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to this claim took place in this District. The Defendants transact business within this district and Prepared Hero has suffered harm in this District. Venue is proper in this district under 28 U.S.C. § 1391(b)(3) because certain Defendants are individuals whose names and addresses of residence are unknown that are otherwise subject to personal jurisdiction in this District. Also, in the Contact Information on the Defendants' Counterfeit Website—which was copied from the

genuine www.PreparedHero.com website—Defendants inform the public that Wyoming law should apply by holding themselves out as a Wyoming business, located in the state of Wyoming, with a Wyoming address, thus have availed themselves of the privilege of doing business in Wyoming:



<https://get.preparedgear.co/fire-blanket1>

(captured December 19, 2023)

BACKGROUND

10. Prepared Hero launched in 2019 as a two-man operation derived from their passion to get people the tools and knowledge they need to keep their families safe, happy, and whole.

11. Prepared Hero obtained registration for its first PREPARED HERO trademark in 2021. Since that time, Prepared Hero has continued to grow as a company.

Date	Reg. No	Class	Mark
10/19/2021	6529558	009 (Electrical Instruments)	PREPARED HERO

12. Prepared Hero invested significantly in advertising and promoting the PREPARED HERO mark, logos, and products nationwide. The PREPARED HERO trademark remains fundamental to Prepared Hero's business, brand, and success in the minds of consumers who associate the PREPARED HERO mark with its goodwill, reputation, and quality products and services.

13. Prepared Hero is the owner of U.S. Copyright Reg. TX 9-343-886 (the "'886 copyright" or "Prepared Hero Page"). Exhibit E. Defendants have made and used unauthorized reproductions of the '886 copyright in the Prepared Gear webpage without Prepared Hero's consent. *See Exhibits A-C.* A table comparing exemplary portions of the copyrighted Prepared Hero Page and the unauthorized Prepared Gear copied pages are shown below:

Prepared Hero Page	Prepared Gear Counterfeit Page
<p>7 Reasons Why You Need This Fire Safety Gadget... Advice From A 25-Year Fire Fighter.</p> <p>The Prepared Hero Fire Blanket is currently one of the hottest gadgets in home safety. It's a vital device that can save your home from disaster. See why thousands of people and many fire departments recommend them!</p> <p>1 Stop Fire In Its Tracks</p> <p>There are over 358,000 house fires in the USA every year. Almost all of them start small and are controllable.</p> <p>Use the Prepared Hero's Fire Blanket to safely eliminate fire.</p> <p>Pull the tabs to release the blanket and toss it over any small fire to instantly suffocate it.</p>  <p>2 Anyone Can Use It</p> <p>It's lightweight and built for ease of use. From grandparents to kids, the Prepared Hero Fire Blanket works great!</p> <p>Heavy and complex equipment is a thing of the past!</p> 	<p>Find Out Why This Fire Safety Device Is a Must-Have: Tips from a 25-Year Firefighter</p> <p>The Fire Rescue Blanket from Prepared Gear is a top choice for home safety right now. It's a crucial tool that can protect your home from disaster. Discover why thousands of people and numerous fire departments are giving it their recommendation!</p> <p>1 Smother Fires Instantly</p> <p>Over 358,000 house fires occur in the USA annually, with most starting small and manageable.</p> <p>With the Fire Rescue Blanket, you can safely extinguish these fires.</p> <p>Just pull the tabs, cover the small fire, and watch it go out instantly.</p>  <p>2 It's Easy for Everyone</p> <p>It's lightweight and designed for everyone, from grandparents to kids. The Prepared Gear Fire Rescue Blanket is simple to use.</p> <p>Say goodbye to heavy and complicated equipment!</p> 

<p>3</p> <p>No Messy Cleanup</p> <p>Standard fire extinguishers typically leave you with a powdery mess to clean up after.</p>  	<p>3</p> <p>No Mess!</p> <p>With our product, you won't have to deal with a messy white powder aftermath, unlike most fire extinguishers.</p> <p>Plus, our special heat-resistant coating insures you're protected from fiberglass splintering, a common issue with knock-offs.</p> 
<p>4</p> <p>Works On Most Types of Fire</p> <p>Most fires small enough for the blanket to cover around can be eliminated. This includes wood, paper, grease and even electrical fires. Especially once the heat or fuel source has been turned off.</p> 	<p>4</p> <p>Works On Many Types of Fire</p> <p>The blanket can effectively eliminate most small fires it covers, such as those involving wood, paper, grease, and even electrical fires. This is particularly true when the heat or fuel source has been shut off.</p>
<p>5</p> <p>Never Expires</p> <p>As long as the blanket is in good condition, it will not expire. There is no costly maintenance or recharging.</p> <p>And it's often times reusable! If it's not damaged after using, simply wipe it off and fold it back into the pouch. And remember to keep the quick deploy tabs hanging out!</p> 	<p>5</p> <p>Always Ready</p> <p>As long as the blanket remains in good condition, it doesn't expire, and there's no need for expensive maintenance or recharging.</p> <p>Plus, it's reusable! If it's undamaged after use, just wipe it clean and fold it back into the pouch. And don't forget to keep the quick deploy tabs accessible!</p> 
<p>6</p> <p>Customers & Fire Fighters Love Us</p> <p>Prepared Hero has over 310,000 happy customers with an average review of 4.7 out of 5 stars.</p> <p>Many Fire Departments and Fire Fighters approve of Prepared Hero Fire Blankets. See what some people are saying:</p> <p>"DO NOT SKIP THESE! It quite literally saved our home from going up in flames! My son was frying bacon and let it get too hot, the grease burst into a fire so quickly. I'm glad I taught him how to use the fire blanket, he was able to put it out before it got out of control! Every home needs that."</p> <p>"I wish every family had one of these in their home. It would save so many lives."</p> 	<p>6</p> <p>Fire Fighter Recommended, Customer Approved</p> <p>Prepared Gear has garnered the trust of over 60,000 satisfied customers, earning an impressive average review rating of 4.9 out of 5 stars.</p> <p>Numerous Fire Departments and Firefighters endorse Prepared Gear Fire Rescue Blanket. Here's what some individuals have to say:</p> <p>"Don't wait until it's too late! I truly saved our home from a potential disaster. My son was cooking bacon, and the grease ignited unexpectedly. It escalated so fast, but thanks to the fire blanket, he managed to extinguish it before it spiraled out of control. Every household should have one."</p> <p>"I genuinely wish every family had one of these in their homes. It could save countless lives."</p> 
<p>7</p> <p>42% Off Bundle Deal</p> <p>That's right, Prepared Hero has gone crazy and is offering a steep 42% off discount on all family bundles right now!</p> <p>It may not last long, so you'll need to be quick or you may miss out. Having blown up on social media, who knows how long this offer will last, so grab them for yourself and loved ones today with a discount!</p> 	<p>7</p> <p>42% Off Black Friday Deal</p> <p>Yes, you heard it right! Prepared Gear is feeling generous and is currently providing an impressive 42% discount on all family bundles!</p> <p>This fantastic deal might not be available for too long, so don't hesitate, act swiftly to avoid missing out. Given its popularity on social media, it's uncertain how much longer this offer will stand. Secure these bundles for yourself and your loved ones today while enjoying significant savings!</p> 

[\(Genuine – Exhibit H\)](https://order.preparedhero.com/efb-7-reasons)

[\(Unauthorized Copy – Exhibit C\)](https://get.preparedgear.co/7-reasons)

14. In December of 2023, Prepared Hero received reports of a counterfeit website, which looks nearly identical to a genuine Prepared Hero website. As demonstrated above, the

counterfeit website includes nearly identical copies on its webpages, including, <https://get.preparedgear.co/fire-blanket1>; <https://get.preparedgear.co/hfs-checkout>; <https://get.preparedgear.co/7-reasons> (“the Counterfeit Website”). Captured copies of the Counterfeit Website are attached hereto as Exhibits A-C.

15. Defendants’ acts violate Prepared Hero’s exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 501, including its exclusive rights to produce, reproduce, and distribute copies of its work, to create derivative works, and to publicly display its work.

16. Defendants’ infringement has been undertaken willfully with the intent to financially gain from Prepared Gear’s copyrighted works, and with full knowledge of Prepared Gear’s copyrighted work.

17. Prepared Gear is entitled to its actual and/or statutory damages, disgorgement of Defendants’ profits attributable to the infringement in an amount to be proved at trial, together with all other relief allowed under the Copyright Act.

18. Because of Defendants’ willful infringement, Prepared Hero is entitled to increased damages pursuant to 17 U.S.C. § 504(c)(2). In addition, Defendants’ infringement has caused and continues to cause irreparable harm to Prepared Hero, for which it has no adequate remedy at law. Unless this Court restrains Defendants from infringing Prepared Hero’s copyrighted work the harm will continue to occur in the future. Accordingly, Prepared Hero is entitled to a preliminary and permanent injunction.

19. Defendants operate a counterfeit version of the Prepared Hero website at the URL go.preparedgear.co, which unlawfully and without authorization displays the Prepared Hero trademark to consumers (the “Fake Prepared Hero Website”). The Fake Prepared Hero Website

is attached hereto as Exhibit D.

The screenshot shows the PREPARED HERO website. At the top, there's a red header bar with "Free Shipping On Orders" and a shopping cart icon showing \$60. Below the header, the "PREPARED HERO" logo is displayed next to a search bar and a cart icon. A navigation menu includes links for Best Sellers, Shop, About Us, Reviews, and Blog. Below the menu, six circular icons represent different product categories: Fire, Safety, Survival, Protection, New, and Popular. A testimonial from Janet K. from New Jersey, USA, is shown with a quote: "I love your products and bought a couple of things in the past as Christmas gifts for my adult children. They loved them also." To the right of the testimonial, there's a product display featuring a red fire blanket, a red waterproof bag, and a black spray bottle of fire spray. Below the product display, the URL go.preparedgear.co is listed as a counterfeit site.

20. The Counterfeit Website also prominently features an *imitation* of the Prepared Hero logo and registered PREPARED HERO mark.



Compare <https://order.preparedhero.com/efb-7-reasons> (Genuine) and <https://get.preparedgear.co/7-reasons> (Unauthorized) and go.preparedgear.co (Counterfeit)

21. On information and belief, the Fake Prepared Hero Website (go.preparedgear.co) was copied pixel-for-pixel from the real Prepared Hero website: <https://preparedhero.com/>.

22. The Counterfeit Website has imitated Prepared Hero by placing a near-identical flame logo with identical coloring and sizing as its first element, which is exactly the same as the Prepared Hero logo. Additionally, the second elements are the exact same, namely, the word “PREPARED.” Both companies’ PREPARED terms are depicted in an indistinguishable white color, with almost identical typography, and both are depicted in all caps. Finally, the third term of the Counterfeit Website’s logo, though not identical, is strikingly similar to Prepared Hero’s third element. Namely, GEAR is in all caps, in red, in nearly the same typography, with similar phonetics, and is the exact four letter length to Prepared Hero’s HERO portion of its mark. The change from HERO to GEAR is not enough to distinguish the marks. Visually, these marks are nearly identical.

23. The Defendants have also confused and misled customers because the Counterfeit Website has copied Prepared Hero’s contact information, leading customers to believe it is associated with Prepared Hero, the Counterfeit Website links to Prepared Hero’s website, including Prepared Hero’s Privacy, Shipping, and ToS pages, and the Counterfeit Website includes unauthorized copying of Prepared Hero’s copyrighted webpages, reviews, images, and product descriptions. Potential customers are confused by the Counterfeit Website, and believed the website was affiliated with Prepared Hero. Customers contacted Prepared Hero directly when they realized the deception, as in the example below:



https://www.facebook.com/preparedhero/posts/pfbid0usZiiwtc3misGNUvM37GRZQaTETafiKXqSKDexXyvEzmAVDUypUGJyM8cqWUSpezl?comment_id=741780177991070

24. The Counterfeit Website has offered and continues to offer bundled counterfeit products and the Defendants have copied Prepared Hero's copyrighted webpage. Shown below, there is first, a table comparing the images of the counterfeit products, second, a table comparing the Counterfeit Website's blatant copying of Prepared Hero's copyrighted webpage, and third, a closer view of the Counterfeit Website's blatant copying of Prepared Hero's genuine customer reviews:

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Prepared Hero Customer Reviews	Prepared Gear Checkout & Reviews
COMPLETE PURCHASE → TRY IT RISK FREE! - 30 DAY MONEY BACK GUARANTEE!	COMPLETE PURCHASE → TRY IT RISK FREE! - 30 DAY MONEY BACK GUARANTEE!
       Secure 256-bit SSL encryption	       Secure 256-bit SSL encryption
 30 Day HERO Guarantee Try it risk-free today! Don't LOVE it? Simply send it back for a full refund.	 30-Day Guarantee: If you don't love our product, just send it back for a full refund. We'll even cover return shipping!
What Customers Are Saying About Us:	What Customers Are Saying About Us:
<p> Jeannie Gellis I got them for us and all our kids and grandkids. It's a great idea and gives me peace of mind knowing they have this, "just in case".</p> <p>Like Reply 2w ↳ 2 Replies</p> <p> Mike Yahner I bought several Fire Blankets and gifted them to family members. Let's hope none of us ever has to put it to use, but it's nice to know it's a super option in place of, or in addition to a traditional fire extinguisher.</p> <p>Like Reply 1w ↳ 6 Replies</p> <p> Betty Hudgins I am very grateful to have these and I bought more to give to family members. Safety first.</p> <p>Like Reply 37w</p> <p> Donna Hilpert Easily one of the most important safety items you can have in your home! I keep multiples in my house, one for each family member. Better safe than sorry.</p> <p>Like Reply 2w</p>	<p> Jeannie Gellis I got them for us and all our kids and grandkids. It's a great idea and gives me peace of mind knowing they have this, "just in case".</p> <p>Like Reply 2w ↳ 2 Replies</p> <p> Mike Yahner I bought several Fire Blankets and gifted them to family members. Let's hope none of us ever has to put it to use, but it's nice to know it's a super option in place of, or in addition to a traditional fire extinguisher.</p> <p>Like Reply 1w ↳ 6 Replies</p> <p> Betty Hudgins I am very grateful to have these and I bought more to give to family members. Safety first.</p> <p>Like Reply 37w</p> <p> Donna Hilpert Easily one of the most important safety items you can have in your home! I keep multiples in my house, one for each family member. Better safe than sorry.</p> <p>Like Reply 37</p>

<https://get.preparedgear.co/hfs-checkout#submit-step> (captured December 19, 2023)

25. The Defendants' Counterfeit Website is not authorized by Prepared Hero, and the presence of this counterfeit site is an ongoing threat to Prepared Hero's business reputation and goodwill among consumers because it impersonates Prepared Hero's business.

26. The Defendants' Counterfeit Website accepted payments through Stripe at a discounted price. (*Compare Exs. F, G.*) Stripe is a U.S.-based payment processor subject to orders

of this Court and subject to service of process in the United States.

27. The Defendants offer to ship their counterfeit products to Wyoming, and the checkout page on Defendants' Counterfeit Website includes an option to list Wyoming as a state to which shipment can be made.

28. Prepared Hero has completed a test purchase from the Counterfeit Website, for which payment was accepted by the Defendants.

29. The Defendants' Counterfeit Website is not authorized by Prepared Hero, the presence of Defendants' counterfeit website is a threat to Prepared Hero's business, which has and will result in irreparable harm to Prepared Hero.

FIRST CLAIM FOR RELIEF
Copyright Infringement – '886 Copyright
17 U.S.C. § 106 *et seq*

30. Prepared Hero incorporates and realleges each and every allegation in the preceding paragraphs as if fully set forth herein.

31. Prepared Hero is the owner of U.S. Copyright Registration No. TX 9-343-886 (the "'886 copyright" or "Prepared Hero Page"). Exhibit E. Defendants have made and used unauthorized reproductions of the materials protected by the '886 Copyright in the Prepared Gear webpage without Prepared Hero's consent. *See* Exhibits A-D.

32. Defendants' acts violate Prepared Hero's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 501, including its exclusive rights to produce, reproduce, and distribute copies of its work, to create derivative works, and to publicly display its work.

33. Defendants' infringement has been undertaken willfully with the intent to financially gain from Prepared Hero's copyrighted work, and with full knowledge of Prepared

Hero's copyrighted work.

34. Prepared Hero is entitled to its actual and/or statutory damages, disgorgement of Defendants' profits attributable to the infringement in an amount to be proved at trial, together with all other relief allowed under the Copyright Act.

35. Because of Defendants' willful infringement, Prepared Hero is entitled to increased damages pursuant to 17 U.S.C. § 504(c)(2). In addition, Defendants' infringement has caused and continues to cause irreparable harm to Prepared Hero, for which it has no adequate remedy at law. Unless this Court restrains Defendants from infringing Prepared Hero's copyrighted works the harm will continue to occur in the future. Accordingly, Prepared Hero is entitled to a preliminary and permanent injunction.

SECOND CLAIM FOR RELIEF
Trademark Infringement and Counterfeiting
15 U.S.C. § 1114

36. Prepared Hero incorporates and realleges each and every allegation in the preceding paragraphs as if fully set forth herein.

37. 15 U.S.C. § 1114(1)(a) prohibits any person from using in commerce, without the consent of the registrant, any trademark or any reproduction, counterfeit, copy, or colorable imitation thereof in connection with the marketing, advertising, distribution, or sale of goods or services which is likely to result in confusion, mistake, or deception.

38. Defendants' use of the trademark "Prepared Gear" is confusingly similar to the federally registered Prepared Hero Mark, is spurious, and is applied to labels, signs, packages, and advertisements used in commerce on or in connection with the sale, offering for sale, distribution or advertising of goods or services and is likely to cause confusion, mistake or to deceive.

39. Prepared Hero is the owner of all rights in the Prepared Hero Mark, which are federally registered. *See Exhibit G.* The Prepared Hero Mark is distinctive and is associated in the mind of the public exclusively with Prepared Hero.

40. Defendants use of counterfeit marks in connection with the Counterfeit Websites on counterfeit goods is without Prepared Hero's consent or authorization. Defendant's use, including the importation, sale, offer for sale, and/or distribution of its counterfeit products bearing the counterfeit marks in commerce, as well as the use of such marks in connection with the advertisement, sale, and offering for sale of goods is likely to cause confusion and mistake in the mind of the public, leading the public to believe that Defendants' products emanate or originate from Prepared Hero, or that Prepared Hero has approved, sponsored, or otherwise associated itself with Defendants or their Infringing Products.

41. Through the unauthorized use of the Prepared Hero Mark and logos, Defendants are unfairly benefiting from and misappropriating Prepared Hero's goodwill and reputation. This has resulted in substantial and irreparable injury to the public and to Prepared Hero and will continue to do so unless Defendants are enjoined.

42. Defendants have actual and direct knowledge of Prepared Hero's prior use and ownership of the Prepared Hero Mark. Defendants' conduct is willful and reflects Defendants' intent to exploit the goodwill and strong brand recognition associated with the Prepared Hero Mark. Defendants have a bad faith intent to profit from their use of the Prepared Hero mark and use a domain name that is confusingly similar to the Prepared Hero Mark. Defendants' acts constitute trademark infringement and counterfeiting in violation of the Lanham Act.

43. Defendants' acts have caused, and will continue to cause, irreparable injury to

Prepared Hero. Prepared Hero has no adequate remedy at law. Alternatively, Prepared Hero is entitled to damages in an amount to be determined at trial.

THIRD CLAIM FOR RELIEF
Lanham Act Unfair Competition
15 U.S.C. § 1125(a)

44. Prepared Hero incorporates and realleges each and every allegation in the preceding paragraphs as if fully set forth herein.

45. Section 43(a) of the Lanham Act prohibits any person from using in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which is likely to result in confusion, mistake, or deception.

46. Prepared Hero is the owner of the Prepared Hero webpage, its images, and its reviews, which are associated in the minds of consumers with Prepared Hero's products.

47. Defendants use the Prepared Hero logo and reviews in connection with the sale of emergency gear. Defendants' use, including the importation, sale, offer for sale, and/or distribution of emergency gear products based on Prepared Hero's logo and reviews, is likely to cause confusion and mistake in the mind of the public, leading the public to believe that Prepared Gear products emanate or originate from Prepared Hero or that Prepared Hero has approved, sponsored, or otherwise associated itself with Prepared Gear or its emergency gear products.

48. Through the unauthorized use of Prepared Hero's images, logo, and reviews, Defendants have unfairly benefitted from Prepared Hero's goodwill and reputation. This is likely to result in substantial and irreparable injury to the public and to Prepared Hero.

49. Defendants have actual and direct knowledge of Prepared Hero's website, logo,

images, and reviews. Defendants' conduct is willful and reflects its intent to exploit the goodwill and strong brand recognition associated with Prepared Hero's emergency preparedness products.

50. Defendants' acts constitute unfair competition and false advertising in violation of the Lanham Act.

51. Defendants' acts have caused and will continue to cause irreparable injury to Prepared Hero. Prepared Hero has no adequate remedy at law and is damaged in an amount to be determined at trial.

PRAYER FOR RELIEF

Wherefore, Prepared Hero respectfully prays that the Court enter judgment in its favor and award the following relief against Defendants:

- A. A judgment in favor of Prepared Hero that Defendants have infringed the registered Prepared Hero Mark and engaged in counterfeiting;
- B. A judgment in favor of Prepared Hero that Defendants have willfully infringed the Prepared Hero Mark;
- C. A judgment that Defendants have infringed the '886 Copyrights;
- D. A judgment in favor of Prepared Hero that Defendants infringement of the '886 copyrights has been willful;
- E. A judgment in favor of Prepared Hero that it is entitled to its actual damages and Defendants' profits attributable to the infringement of the '886 copyright, in an amount to be proved at trial, or in the alternative to statutory damages;
- F. A judgment in favor of Prepared Hero that it is entitled to increased damages pursuant to 17 U.S.C § 504(c)(2) due to Defendants' willful infringement;

G. An order and judgment enjoining Defendants' officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from further infringing the materials protected by the Prepared Hero '886 copyright;

H. A judgment in favor of Prepared Hero that it is entitled to an award of its reasonable attorneys' fees pursuant to 17 U.S.C. § 1203(b)(5);

I. An order and judgment enjoining Defendants and their officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in concert with any of them, from further violating 17 U.S.C. § 1202;

J. A judgment in favor of Prepared Hero that unauthorized Defendants' use of Prepared Hero's content constitutes unfair competition and false advertising in violation of 15 U.S.C. § 1125(a);

K. A judgment in favor of Prepared Hero that, pursuant to 15 U.S.C. § 1117(a), it is entitled to its actual damages and Defendants' profits due to Defendants' violation of 15 U.S.C. § 1125(a), in an amount to be proved at trial;

L. A judgment in favor of Prepared Hero that, pursuant to 15 U.S.C. § 1117(a), it is entitled to costs and attorney fees due to Defendants' violation of 15 U.S.C. § 1125(a);

M. An order and judgment enjoining Defendants and their officers, directors, employees, agents, licensees, representatives, affiliates, related companies, servants, successors and assigns, and any and all persons acting in privity or in active concert or participation with any of them, from infringing the registered Prepared Hero Mark; for the destruction of any infringing

articles; and for reasonable funds for corrective advertising to correct Defendant's misleading association with Prepared Hero;

N. An order transferring all of the domain names for the Counterfeit Website to Prepared Hero;

O. A judgment awarding Prepared Hero damages in an amount to be determined at trial for trademark counterfeiting and an accounting of Defendants' profits, and costs of the action pursuant to 15 U.S.C. § 1117;

P. In the alternative, statutory damages in the amount of \$2,000,000 per counterfeit mark, for willful use of a counterfeit mark, pursuant to 15 U.S.C. § 1117(c)(2);

Q. Statutory damages of \$100,000 per domain name, pursuant to 15 U.S.C. § 1117(d);

R. All other remedies to which Prepared Hero may be entitled, including all remedies provided for in 15 U.S.C. § 1117 *et seq.*;

S. A judgment trebling damages pursuant to 15 U.S.C. § 1117;

T. A judgment that this is an exceptional case, pursuant to 15 U.S.C. § 1117 with an award of Plaintiff's reasonable attorneys' fees; and

U. Any other relief the Court deems just and proper under all the circumstances.

Demand for Trial by Jury

Prepared Hero demands a jury trial on all matters triable to a jury.

DATED this 17th day of January 2024.

Respectfully submitted,

By: /s/ Alaina M. Stedillie
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Attorneys for Prepared Hero

VERIFICATION

I, Joe Leone, declare that I am the Founder and CEO of Prepared Hero, Plaintiff in the above-captioned matter in the United States District Court for the District of Wyoming. I authorized the filing of this Complaint. I have reviewed the factual allegations made in this Complaint, and to those allegations of which I have personal knowledge, I know them to be true. For those allegations of which I do not have personal knowledge, I believe them to be true based on the information and documents I have reviewed in connection with the preparation of this Complaint, and which are attached to the Complaint, including the Defendants' counterfeit websites, product listings, product photos, and the products offered for sale.

Dated: January 10, 2024.

Verified by:



Joe Leone, CEO
The Prepared Hero Company